

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

Valuation of Security     Assumption of Executory Contract or Unexpired Lease     Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re: Case No.: 17-24718-JNP  
Kenneth M. Butler and Kathleen M. Butler Judge: Poslusny  
Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original    ☒ Modified/Notice Required    Date: 02/28/2020  
☒ Motions Included    ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: ATA    Initial Debtor: KMB    Initial Co-Debtor: KMB

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 364.00 per month to the Chapter 13 Trustee, starting on 03/01/2020 for approximately 29 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection ☒ NONE**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$2,810.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence:** ☒ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:** ☐ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wells Fargo Dealer Services	2012 Honda Civic	\$194.49		\$194.49	\$220.00

**c. Secured claims excluded from 11 U.S.C. 506:** ☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender** ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan** ☐ **NONE**

The following secured claims are unaffected by the Plan:

M & T Bank

**g. Secured Claims to be Paid in Full Through the Plan:** ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims** ☐ **NONE**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions ☐ NONE**

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
State of New Jersey	248 Nabb Ave	Tax lien	\$3,817.00	\$140,000.00	\$100.00	\$179,724.00	\$3,817.00

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.



**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

1) Ch. 13 Standing Trustee commissions

2) Andrew T. Archer, Esquire

3) Secured Creditors

4) Priority Creditors/Unsecured Creditors

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☐ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_.

Explain below **why** the plan is being modified:

Loan modification was approved for M & T Bank.

Explain below **how** the plan is being modified:

Removing mortgage arrears. M & T Bank is now Unaffected by the Plan.  
Paying disposable income on Schedule J to Unsecured Creditors.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes

☐ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

## Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 02/28/2020

/s/ Kenneth M. Butler  
Debtor

Date: 02/28/2020

/s/ Kathleen M. Butler  
Joint Debtor

Date: 02/28/2020

/s/ Andrew T. Archer  
Attorney for Debtor(s)

## Certificate of Notice Page 11 of 12

United States Bankruptcy Court  
District of New JerseyIn re:  
Kenneth M. Butler  
Kathleen M. Butler  
DebtorsCase No. 17-24718-JNP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 30

Date Rcvd: Feb 28, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Mar 01, 2020.

db/jdb  
cr +Kenneth M. Butler, Kathleen M. Butler, 248 Nabb Ave, Millville, NJ 08332-4930  
+M&T Bank, c/o McCalla Raymer Leibert Pierce, LLC, 1544 Old Alabama Road,  
Roswell, GA 30076-2102  
cr +Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer S, 1451 Thomas Langston Rd.,  
Winterville, NC 28590-8872  
516953789 +Apex Asset, 2501 Oregon Pike Ste, Lancaster, PA 17601-4890  
517080450 Bayview Loan Servicing, LLC, Bankruptcy Department, P.O. Box 840, Buffalo, NY 14240-0840  
516953795 +Judith Chadwick, 331 Preston Ave, Apt 2005, Voorhees, NJ 08043-1753  
517237239 +M&T BANK, KML Law Group, P.C., 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812  
517071780 M&T Bank, PLUESE, BECKER & SALTZMAN, LLC, 20000 Horizon Way, Suite 900,  
Mt. Laurel, NJ 08054-4318  
517071779 +M&T Bank, c/o McCalla Raymer Liebert Pierce, LLC, 1544 Old Albama Road,  
Roswell, GA 30076-2102  
516953798 +Mpm Inc, 1138 E Chesnut Ave Ste 7, Vineland, NJ 08360-5053  
516953801 +PMAB, LLC, 4135 South Stream Blvd, Suite 400, Charlotte, NC 28217-4636  
517057557 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
TRENTON NJ 08646-0245  
(address filed with court: State of New Jersey, Department of Treasury,  
Division of Taxation, P.O. Box 245, Trenton, NJ 08695-0245)  
516953803 +Target, C/O Financial & Retail Srvs, Mailstopn BT POB 9475, Minneapolis, MN 55440-9475  
517470490 +Wells Fargo Bank, N.A., d/b/a, Wells Fargo Dealer Services,  
Law Offices of John R. Morton, Jr., 110 Marter Ave., Suite 301, Moorestown, NJ 08057-3124  
517470489 +Wells Fargo Bank, N.A., d/b/a, Wells Fargo Dealer Services, 1451 Thomas Langston Rd.,  
Winterville, NC 28590-8872  
516953804 +Wells Fargo Dealer Services, Attn: Bankruptcy, Po Box 19657, Irvine, CA 92623-9657

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 29 2020 00:20:27 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Feb 29 2020 00:20:25 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235  
516953790 +E-mail/Text: g20956@att.com Feb 29 2020 00:20:54 AT&T Mobility, PO Box 537113,  
Atlanta, GA 30353-7113  
516953791 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 29 2020 00:17:40 Capital One,  
Attn: General Correspondence/Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285  
516953792 +E-mail/Text: electronicbkydocs@nelnet.net Feb 29 2020 00:20:30 Dept Of Ed/582/nelnet,  
Attn: Claims/Bankruptcy, Po Box 82505, Lincoln, NE 68501-2505  
516953794 +E-mail/Text: bknotice@ercbpo.com Feb 29 2020 00:20:30 ERC/Enhanced Recovery Corp,  
8014 Bayberry Rd, Jacksonville, FL 32256-7412  
517081179 E-mail/Text: camanagement@mtb.com Feb 29 2020 00:20:06 M & T Bank, Po Box 840,  
Buffalo, NY 14240-0840  
516953796 E-mail/Text: camanagement@mtb.com Feb 29 2020 00:20:06 M & T Bank, Po Box 844,  
Buffalo, NY 14240  
517131451 +E-mail/Text: bankruptcydpt@mcmcg.com Feb 29 2020 00:20:24 MIDLAND FUNDING LLC,  
PO Box 2011, Warren, MI 48090-2011  
516953797 +E-mail/Text: bankruptcydpt@mcmcg.com Feb 29 2020 00:20:24 Midland Funding,  
Attn: Bankruptcy, Po Box 939069, San Diego, CA 92193-9069  
516953800 +E-mail/PDF: bankruptcy@ncfsi.com Feb 29 2020 00:17:16 New Century Financial,  
110 S Jefferson Rd # 104, Whippany, NJ 07981-1038  
517100184 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Feb 29 2020 00:17:46  
Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.a., POB 41067,  
Norfolk VA 23541  
516982857 +E-mail/Text: electronicbkydocs@nelnet.net Feb 29 2020 00:20:30 U.S. Department of Education,  
C/O Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911  
517070344 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Feb 29 2020 00:28:49 Verizon,  
by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901  
TOTAL: 14

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516953793\* +Dept Of Ed/582/nelnet, Attn: Claims/Bankruptcy, Po Box 82505, Lincoln, NE 68501-2505  
516953799\* +Mpm Inc, 1138 E Chesnut Ave Ste 7, Vineland, NJ 08360-5053  
516953802\* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
TRENTON NJ 08646-0245  
(address filed with court: State of New Jersey, PO Box 283, Trenton, NJ 08602)

TOTALS: 0, \* 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 30

Date Rcvd: Feb 28, 2020

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 01, 2020

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 28, 2020 at the address(es) listed below:

Andrew Thomas Archer on behalf of Joint Debtor Kathleen M. Butler aarcher@spillerarcherlaw.com,  
bankruptcy@brennerlawoffice.com;r64966@notify.bestcase.com  
Andrew Thomas Archer on behalf of Debtor Kenneth M. Butler aarcher@spillerarcherlaw.com,  
bankruptcy@brennerlawoffice.com;r64966@notify.bestcase.com  
Brad J. Spiller on behalf of Debtor Kenneth M. Butler bankruptcy@brennerlawoffice.com,  
aarcher@brennerlawoffice.com  
Brad J. Spiller on behalf of Joint Debtor Kathleen M. Butler bankruptcy@brennerlawoffice.com,  
aarcher@brennerlawoffice.com  
Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
John R. Morton, Jr. on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer  
Services ecfmail@mortoncraig.com, mortoncraigecf@gmail.com  
Rebecca Ann Solarz on behalf of Creditor M&T Bank rsolarz@kmlawgroup.com  
Rebecca Ann Solarz on behalf of Creditor M&T BANK rsolarz@kmlawgroup.com  
Robert P. Saltzman on behalf of Creditor M&T Bank dnj@pbslaw.org  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 12